



GEORGETOWN UNIVERSITY LAW CENTER
INSTITUTE FOR PUBLIC REPRESENTATION

Hope M. Babcock
Angela J. Campbell
David C. Vladeck
Directors
Eric D. Albert+*
James A. Bachtell
Lisa Goldman
Karen Henein+**
Richard McKewen
Staff Attorneys

600 New Jersey Avenue, NW, Suite 312
Washington, DC 20001-2075
Telephone: 202-662-9535
TDD: 202-662-9538
Fax: 202-662-9634

April 8, 2004

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

**RE: Children's Television Obligations of Digital Television Broadcaster, MM Docket No. 00-167;
Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television, MB Docket No. 03-15, RM 9832.**

Dear Ms. Dortch:

Pursuant to section 1.1206 (b)(2) of the Commission's rules, we hereby submit this notice regarding an *ex parte* meeting in the above-referenced proceedings.

On Wednesday, April 7, 2004, representatives of the Children's Media Policy Coalition met with FCC Chairman Michael K. Powell's legal advisor, Jon Cody. Attending the meeting were Gloria Tristani, Children Now board member; Dr. Dale Kunkel, Department of Communications at the University of California Santa Barbara; Marjorie Tharp of the American Academy of Pediatrics; and James A. Bachtell, staff attorney at the Institute for Public Representation at Georgetown University Law Center. Participating over the telephone were Patti Miller, director of the Children and the Media Program at Children Now; and Christy Glaubke, senior associate for Children and the Media Program at Children Now.

The Coalition summarized the proposals made in the Coalition's comments. First, they urged the Commission to adopt programming guidelines for broadcasters that reflect the technical capabilities and increased channel capacity of digital television. The Coalition recommended that any increase in multicasting channel capacity that broadcasters choose to implement should translate into a commensurate increase in the amount of programming available to children.

Second, coalition members noted that digital technology could be used to better help parents find E/I programming and avoid programming inappropriate for children. With digital technology, onscreen links could give parents detailed information about the nature of the programming. The

V-Chip could be adapted and used not only as a filter but an indicator of programming that is beneficial for children. Furthermore, the onscreen E/I icons should be consistent on each channel.

Finally, Coalition members noted that the existing children's advertising policy needs to be updated for digital broadcasting. The current separation policy dividing children's programming from advertising should be adapted to take account of interactive capabilities. The Commission should clarify that direct links from children's programming violate the advertising limits and separation policies. There should be a clear separation between programming and advertising that would prevent children from clicking on an advertisement directly from a program. Dr. Kunkel said this is particularly important in light of just-released research by the American Psychological Association showing that children under 8 are unable to critically comprehend televised advertising messages and are prone to accept advertising messages as truthful, accurate and unbiased.

Respectfully Submitted,

/s/

James A. Bachtell